

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE UNITED STATES OF AMERICA <i>ex rel.</i> JESSE M. POLANSKY, M.D., M.P.H,	:	CIVIL ACTION NO. 1:20-CV-599
	:	
	:	(Judge Conner)
	:	
Plaintiff	:	
	:	
v.	:	
	:	
GEISINGER HOLY SPIRIT, GEISINGER COMMUNITY MEDICAL CENTER, GEISINGER MEDICAL CENTER, and SPIRIT PHYSICAN SERVICES INC.,	:	
	:	
	:	
Defendants	:	

## ORDER

AND NOW, this 1st day of May, 2024, upon consideration of defendants' motion (Doc. 68) to dismiss plaintiff relator Dr. Jesse M. Polansky's complaint (Doc. 1) pursuant to Federal Rule of Civil Procedure 12(b)(6) filed on April 8, 2024, and further upon consideration of Polansky's amended complaint (Doc. 73) filed on April 29, 2024, and the court observing that an amended pleading, unless it "specifically refers to or adopts the earlier pleading," supersedes the original as the operative pleading for the lawsuit, W. Run Student Hous. Assocs., LLC v. Huntington Nat'l Bank, 712 F.3d 165, 171 (3d Cir. 2013) (quoting New Rock Asset Partners, L.P. v. Preferred Entity Advancements, Inc., 101 F.3d 1492, 1504 (3d Cir. 1996)); see also 6 CHARLES ALAN WRIGHT AND ARTHUR MILLER, ET AL., FEDERAL PRACTICE AND PROCEDURE § 1476 (3d ed. 2018), and the court thus finding that the

amended complaint renders the original complaint a legal nullity, it is hereby

ORDERED that:

1. Defendants' motion (Doc. 68) to dismiss the complaint (Doc. 1) is DENIED as moot and without prejudice.
2. Defendants shall respond to the amended complaint (Doc. 73) in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania